

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49153 of 2023

Arising Out of PS. Case No.-908 Year-2019 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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RAVI B. TUNNA SON OF LATE RAMSINGHASAN PRASAD RESIDENT
OF VILL BELBANWA PS BELBANWA (MOTIHARI) DIST EAST
CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. MADHU KUMARI WIFE OF RAVI B. TUNNA RESIDENT OF
VILLAGE- GOPINATHPUR, DOKARA, PS- SARAIYA, DIST-
MUZAFFARPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 18-03-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498(A)/34
of the Indian Penal Code and Sections 3 and 4 of the Dowry
Prohibition Act.

3. Learned counsel for the petitioner submits that
petitioner being the husband of the opposite party no. 2 has been
falsely implicated in the present case. It is further submitted that
petitioner is still willing to keep the opposite party no. 2 with
honour and dignity. It is next submitted that petitioner is an



unskilled labourer as such he is not in a position to pay a monthly maintenance to sustain the opposite party no. 2.

4. On the contrary, the learned counsel appearing on behalf of the opposite party no. 2 submits that petitioner works in Mumbai and is associated with a Media House and he had taken the opposite party no. 2 to Mumbai in the year 2018 where the opposite party no. 2 came to know that he is having girl friends who were so embolden that they use to come to the flat of the petitioner as such she had no option but to leave. It is further submitted that though petitioner is seeking a plea that he is an unskilled labourer but then he earns well. It is next submitted that opposite party no. 2 has filed a maintenance case being Maintenance Case No. 81 of 2024 in the Court of learned Principal Judge, Family Court, Muzaffarpur. It is also submitted that opposite party no. 2 shall bring all the relevant documents on record in the maintenance case to substantiate her case.

5. Learned counsel appearing on behalf of the petitioner submits that he will convey to the petitioner that Maintenance Case No. 81 of 2024 has been filed against him in the Court of learned Principal Judge, Family Court, Muzaffarpur by the opposite party no. 2 so that he will appear in the said case.



6. Since the petitioner is claiming himself to be an unskilled labourer and is not earning well while the claim of the opposite party no. 2 is that he is associated with a Media House and has sufficient earning but then the said issues cannot be adjudicated in the present anticipatory bail application but then at the same time the opposite party no. 2 cannot be left in lurch as it is the bounden duty of the husband to ensure well being of his wife.

7. Considering the submissions made on behalf of the learned counsel appearing on behalf of the opposite party no. 2, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Tr. No. 3795 of 2022 arising out of Complaint Case No. 908 of 2019 pending in the Court of learned Sub-Divisional Judicial Magistrate, Muzaffarpur, West Muzaffarpur.

8. Accordingly, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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